
**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 2/19/2019

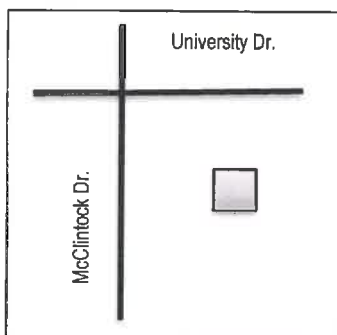
Agenda Item: 3

ACTION: Request approval to abate public nuisance items at the Cate Property located at 2005 E. Howe Avenue. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$886.00 for abatement request, landscape and remove trash from front yard.

RECOMMENDATION: Staff – Approval of 180 day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the CATE PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE183204: landscape and remove trash from front yard.



Property Owner: Heather Cate
Applicant: City of Tempe – Code Compliance
Zoning District: R1-6, Single Family Residential
Code Compliance Inspector: Hector Heredia, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Cate Property located at 2005 E. Howe Avenue, in the R1-6, Single Family Residential district. This case was initiated 05/22/2018, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180 day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

ABATEMENT



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2231 (fax)

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 01/16/2019

TO: HEATHER CATE
2005 E HOWE AVE
TEMPE AZ, 85281

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

LEGAL: Book 132, Map 70, Parcel 098, as recorded with the Maricopa County Assessor.

LOCATION: 2005 E HOWE AVE TEMPE AZ, 85281

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 02.19.2019. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

VIOLATIONS:

CC 21-3.b.8 - Landscaping that is substantially dead, damaged or characterized by uncontrolled growth or presents a deteriorated or slum-like appearance; or any dead trees, bushes shrubs or portion thereof, including stumps.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$886.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City. If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Enforcement Officer: Hector Heredia

Phone Number 480-350-5462

DATE: 01/11/2019

SUBJECT: HEATHER CATE : PROPERTY ABATEMENT

LOCATION: 2005 E HOWE AVE TEMPE AZ, 85281

LEGAL: Book 132, Map 70, Parcel 098, as recorded with the Maricopa County Assessor

OWNER: HEATHER CATE
2005 E HOWE AVE
TEMPE AZ 85281

FINDINGS:

5.22.2018: Received an anonymous complaint regarding a deteriorated landscape, front yard areas. The violations were verified and addressed with a first notice.

06.05.2018: No corrective action was taken, and a final notice was issued.

06.19.2018: Upon inspection of the property I noticed minor efforts had been taken to address the deteriorated landscape, but not enough was accomplished to close the case. A second final notice was issued with a shortened extension period.

07.12.2018: No other attempts to address the pending were noted and a citation was issued.

08.15.2018: After multiple failed attempts to reach the property owner. I was fortunate to speak with Mrs. Cate about lack of action. She replied that she would do her best to schedule landscaping but was not promising anything. A short extension was granted over the following weekend.

09.07.2018: A second citation was a result of several failed extensions to comply. At this point no further communication was initiated by the property owner.

09.26.2018: Minor efforts were noted to comply but not enough to close the case entirely. I continued to monitor the property in hopes to close the case without further action and allowed another extension.

10.09.2018: In a final attempt to reach the property owner I reached out, again, without any success. No further corrective action was accomplished or attempted. Also, both citation previously issued, resulted in a failure to appear.

10.16.2018: The property owner has not responded to any of my attempts for contact. In an absolute final attempt to reach out I dropped off HEART and Tempe Neighbors Helping Neighbors fliers for assistance.

11.23.2018: After dropping off the assistance fliers I waited to see if the property owner would initiate contact but never received a call. Due to the proximity of the winter holidays I was advised by my superiors to postpone further action until after the new year. I continued to monitor the property for progress during this period.

12.28.2018: No progress was accomplished, or contact initiated.

01.10.2019: After multiple failed attempts to reach the property owner regarding corrective actions for a deteriorated landscape, the lack of consideration for assistance and being found responsible for two citations the abatement process was started to ensure compliance as written in the Nuisance Codes for the City of Tempe.

RECOMMENDATIONS:

The owner of this property **Heather Cate** has made no attempt to bring the property into compliance. Due to the continual lack of maintenance a 180-day open abatement is being sought for this property. I therefore request the City of Tempe Community Development Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

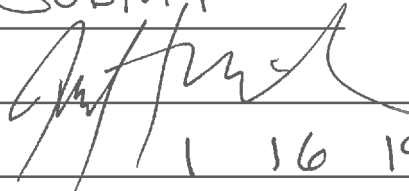
Respectfully submitted,

Hector Heredia
Code Inspector
City of Tempe

ACTION TAKEN:

NAME

DATE:

SUBMIT

1 16 19

HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: HECTOR HEREDIA JR

FIRM: CITY OF TEMPE

DATE: 1/14/19

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # T18-011-03

ADDRESS: 2005 E HOWE AVE

1 LANDSCAPE AND REMOVE TRASH FROM FRONT YARD	\$560.00
2 ESTAMATED DUMP FEES	\$50.00
3 SECURITY BY TEMPE POLICE	\$276.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$886.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN









COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE

05/22/2018

CATE HEATHER
2005 E HOWE AVE
TEMPE, AZ 85281-4803

Case #: CE183204
Site Address: 2005 E HOWE AVE, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 05/22/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth or presents a deteriorated or slum-like appearance; or any dead trees, bushes shrubs or portion th

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please water your front yard vegetation to bring it back to a living state, or please trim and maintain vegetation so it does not appear to be in a state of uncontrolled growth, dry or dead. Also, please remove all grass, weeds and brush from your front yard area including any visible surrounding common areas and up against property walls. Discard all landscaping debris appropriately and in designated bins or city dump sites. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	6/5/2018

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Hector Heredia Jr
Code Inspector

Direct: 480-350-5462
Code Compliance: 480-350-8372
Email: Hector_Heredia@tempe.gov

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

06/05/2018

CATE HEATHER
2005 E HOWE AVE
TEMPE, AZ 85281-4803

Case #: CE183204
Site Address: 2005 E HOWE AVE, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 06/05/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth or presents a deteriorated or slum-like appearance; or any dead trees, bushes shrubs or portion th

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	<p>Please water your front yard vegetation to bring it back to a living state, or please trim and maintain vegetation so it does not appear to be in a state of uncontrolled growth, dry or dead. Also, please remove all grass, weeds and brush from your front yard area including any visible surrounding common areas and up against property walls. Discard all landscaping debris appropriately and in designated bins or city dump sites. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.</p> <p>This is the final attempt to reach you regarding the above noted. This issue must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violation in a twelve-month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.</p>	6/19/2018

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Hector Heredia Jr
Code Inspector

Direct: 480-350-5462
Code Compliance: 480-350-8372
Email: Hector_Heredia@tempe.gov

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

06/19/2018

CATE HEATHER
2005 E HOWE AVE
TEMPE, AZ 85281-4803

Case #: CE183204
Site Address: 2005 E HOWE AVE, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 06/19/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth or presents a deteriorated or slum-like appearance; or any dead trees, bushes shrubs or portion th

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	<p>Please water your front yard vegetation to bring it back to a living state, or please trim and maintain vegetation so it does not appear to be in a state of uncontrolled growth, dry or dead. Also, please remove all grass, weeds and brush from your front yard area including any visible surrounding common areas and up against property walls. Discard all landscaping debris appropriately and in designated bins or city dump sites. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.</p> <p>This is the final attempt to reach you regarding the above noted. This issue must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violation in a twelve-month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.</p>	07/09/2018

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Hector Heredia Jr
Code Inspector

Direct: 480-350-5462
Code Compliance: 480-350-8372
Email: Hector_Heredia@tempe.gov

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.